

Message Text

PAGE 01 STATE 214622

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TO AMEMBASSY NAIROBI NIACT IMMEDIATE

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY DAR ES SALAAM

AMEMBASSY ADDIS ABABA

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LONG ARTICLE BY DAVID B. OTTOWAY APPEARS ON PAGE ONE OF
WASHINGTON POST ON SEPTEMBER 28 UNDER HEADLINE "KENYA EXPELS
US BUSINESSMEN - CORRUPTION BY HIGH OFFICIALS CHARGED."
TEXT FOLLOWS:

1. IN THE PAST EIGHT MONTHS, TWO AMERICAN BUSINESSMEN HAVE
BEEN EXPELLED FROM KENYA, ANOTHER IS ON THE VERGE OF BEING
THROWN OUT AND A FOURTH HAS BEEN THREATENED WITH EXPULSION
IN DEALINGS INVOLVING THE HIGHEST OFFICIALS OF THE KENYAN
GOVERNMENT.
 2. THE MISTREATMENT OF AMERICAN BUSINESSMEN BY KENYA HAS
BECOME A MAJOR CONCERN OF THE U.S. EMBASSY IN NAIROBI AND
HAS CREATED PROBLEMS IN KENYAN-AMERICAN RELATIONS. AM-
ERICAN AMBASSADOR ANTHONY D. MARSHALL, A FORMER BUSINESSMAN,
HAS TAKEN A "DIRECT PERSONAL INTEREST" IN ONE CASE AND HAS
INTERVENED TO PREVENT THE EXPULSIONS OF SEVERAL OTHER AMERI-
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PAGE 02 STATE 214622

CANS.

3. WHILE NO AMERICAN DIPLOMATS WILL SAY SO, THERE APPEARS
TO BE A GROWING ABUSE OF OFFICE AND POWER BY KENYA'S LEAD-

ERS, PRIMARILY AT THE EXPENSE OF AMERICANS AND OTHER WESTERN BUSINESSMEN HERE. EVEN SOME KENYANS ARE OPENLY COMPLAINING ABOUT A "SPREADING CANCER" OF CORRUPTION AMONG POLITICIANS.

4. THE U.S. EMBASSY IS CONCERNED ABOUT THE TREND BECAUSE AMERICAN BUSINESS HERE IS INCREASING RAPIDLY AND HAS MORE THAN DOUBLED IN THE PAST TWO YEARS TO \$170 MILLION WITH 125 COMPANIES NOW REPRESENTED.

5. IN ONE NOW-NOTORIOUS CASE, THE LEADERS OF KENYA DECIDED TO EXPEL AN AMERICAN GEOLOGIST AND BUSINESSMAN BECAUSE THEY WANTED FOR THEMSELVES WHAT IS BELIEVED TO BE THE WORLD'S LARGEST RUBY MINE, WHICH THE AMERICANS DISCOVERED IN TASAVO NATIONAL PARK. THE SITUATION IS EXPECTED TO BE RESOLVED SHORTLY IN FAVOR OF THE KENYANS.

6. IN ANOTHER CASE, THE KENYAN GOVERNMENT ORDERED AN AMERICAN OIL-COMPANY EXECUTIVE OUT OF THE COUNTRY BECAUSE HE WAS TRYING TO COLLECT AN ACCUMULATING TWO-YEAR OLD BILL FROM PRESIDENT JOMO KENYATTA.

7. KENYA IS KNOWN TO HUNDREDS OF THOUSANDS OF AMERICAN TOURISTS AS A LAND OF FABULOUS GAME PARKS, EXCELLENT HOTELS AND GRACIOUS HOSPITALITY. BUT AMERICAN BUSINESSMEN HAVE DISCOVERED AN OTHER WORLD HERE IN WHICH TOP KENYAN OFFICIALS FREQUENTLY ASK FOR "CONTRIBUTIONS" TO HOSPITALS, CHURCHES AND CHARITIES IN RETURN FOR SMOOTH SAILING IN THEIR DEALING IN THE COUNTRY.

8. NO ONE KNOWS FOR CERTAIN WHERE HIS MONEY GOES, BUT FEW AMERICANS BELIEVE IT EVER REACHES THE DESIGNATED "CAUSE." SOME AMERICAN BUSINESSMEN HAVE RECENTLY REFUSED TO PAY THE PRICE, DECIDING TO RISK THE WRATH OF THE GOVERNMENT INSTEAD.

9. KENYA HAS ONE OF THE MOST EFFICIENT AND LEAST CORRUPT LIMITED OFFICIAL USE
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PAGE 03 STATE 214622

CIVIL SERVICES IN AFRICA. BUT AT THE MINISTERIAL LEVEL IT IS ANOTHER STORY, WITH OFFICIALS WHEELING AND DEALING IN OUTSIDE BUSINESS VENTURES WITH THE APPROVAL AND ENCOURAGEMENT OF THE PRESIDENT. HOWEVER, NO ONE HAS YET ACCUSED ANY MINISTER OF PILFERING FROM THE PUBLIC TREASURY FOR PERSONAL GAIN.

10. PRACTICALLY NOTHING HAS BEEN WRITTEN TO DATE IN THE WESTERN PRESS ABOUT THE WIDESPREAD ABUSE OF POWER AND OFFICE IN THE NAME OF BUSINESS BECAUSE FOREIGN JOURNALISTS RESIDING IN NAIROBI SAY THEY LIVE UNDER THE CONSTANT THREAT OF EXPULSION FOR ANY CRITICISM OF THE

GOVERNMENT AND PARTICULARLY OF PRESIDENT KENYATTA.

11. THIS REPORTER WAS REPEATEDLY WARNED BY HIS COLLEAGUES THAT THE PRICE FOR BREAKING THIS STORY ALMOST CERTAINLY WAS EXPULSION FROM KENYA AND PERHAPS ALSO FROM THE TWO OTHER COUNTRIES IN THE EAST AFRICAN FEDERATION, TANZANIA AND UGANDA. THE GOVERNMENT'S WAY OF DEALING WITH UNWANTED JOURNALISTS AND BUSINESSMEN IS TO DECLARE THEM "PROHIBITED IMMIGRANTS," WHICH MEANS THEY CANNOT RE-ENTER THE COUNTRY. TWO BRITISH JOURNALISTS HAVE BEEN DECLARED PROHIBITED IMMIGRANTS IN THE PAST YEAR OR SO.

12. KENYA'S HIGH-HANDED TREATMENT OF AMERICAN BUSINESSMEN BEGAN EARLY THIS YEAR WHEN THE MANAGING DIRECTOR OF ESSO STANDARD KENYA LTD., JAMES SKANE, WAS EXPELLED ON SHORT NOTICE JAN. 14 WITH NO EXPLANATION. TO THE EXTENT THAT ANYONE HERE CAN DETERMINE, SKANE'S MAIN "CRIME" WAS A PERSISTENT AND PERHAPS UNDIPLOMATIC EFFORT TO COLLECT A TWO-YEAR-OLD BILL THAT PRESIDENT KENYATTA OWED ESSO FOR GASOLINE DELIVERED TO ONE OF HIS FARMS NEAR NAKURU, ABOUT A HUNDRED MILES NORTHWEST OF NAIROBI.

13. THE BILL STILL HAS NOT BEEN PAID AND NOW AMOUNTS TO THE EQUIVALENT OF ABOUT \$70,000, ACCORDING TO EXCELLENT SOURCES. THE PRESIDENT ALSO OWES SEVERAL OTHER FOREIGN AND KENYAN OIL COMPANIES SUBSTANTIAL AMOUNTS, THESE SOURCES SAY.

14. THE WASHINGTON POST MADE INQUIRIES THROUGH THE KENYAN LIMITED OFFICIAL USE
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PAGE 04 STATE 214622

EMBASSY IN ADDIS ABABA AND WAS TOLD YESTERDAY THAT SKANE HAD BEEN EXPELLED FOR "FRUSTRATING AFRICANIZATION EFFORTS WITHIN THE COMPANY."

15. THE PRESENT LOCAL MANAGING DIRECTOR OF ESSO, J.R. LINDGREN, SAID TODAY THAT HE WOULD HAVE NO IMMEDIATE COMMENT ON THE CHARGE.

16. LINDGREN SAID THE COMPANY EMPLOYS THREE NON-AFRICANS OUT OF A TOTAL OF 204 EMPLOYEES. FEWER THAN A DOZEN OTHERS ARE TANZANIANS AND UGANDANS.

17. SOME AMERICANS BUSINESS SOURCES, HOWEVER, QUESTION SKANE'S TACTICS IN PRESSING THE PRESIDENT AND SAY THAT SOME THINGS WERE SAID THAT WOULD HAVE BEEN BETTER LEFT UNSAID.

18. "WHEN YOU HAVE A DEIFIED PRESIDENT YOU DON'T INSULT HIM," SAID ONE SOURCE. "KENYANS ARE VERY SENSITIVE ABOUT CRITICISM ABOUT THEIR PRESIDENT."

19. THE MAJOR CASE THAT NOW IS THE TALK OF THE AMERICAN

BUSINESS COMMUNITY INVOLVES THE AMERICAN GEOLOGIST AND BUSINESSMAN, JOHN M. SAUL AND ELLIOTT (TIM) MILLER, FORMER MASSACHUSETTS INSTITUTE OF TECHNOLOGY ROOMMATES WHO A YEAR AGO DISCOVERED A RUBY MINE IN THE SOUTHWESTERN CORNER OF TSAVO NATIONAL BANK(SIC)

20. THEY BELIEVE THE MINE IS THE LARGEST IN THE WORLD. THE MINE HAS NOT BEEN FULLY EXPLORED AND NO DOLLAR VALUE CAN BE PUT ON IT YET.

21. THE MINE IS DESCRIBED AS A LONG "SOLID CORUNDUM RIDGE" (THE MINERAL WHERE RUBIES AND OTHER GEMSTONES ARE FOUND) THAT RUNS ACROSS THE BORDER INTO TANZANIA. MILLER SAYS THE QUALITY OF THE RUBIES IS GENERALLY LOW, BUT THERE IS A VAST QUANTITY OF THEM AND A HUNGRY MARKET IN EUROPE FOR SUCH GEMSTONES.

22. "AND IT IS ALMOST THE ONLY GAME GOING IN THE GEMSTONE LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 05 STATE 214622

WORLD NOW," SAID MILLER, WHO WAS INTERVIEWED HERE IN LATE AUGUST.

23. ON JUNE 18, SAUL WAS EXPELLED WITHOUT ANY GIVEN REASON WITHOUT ANY GIVEN REASON ON AN ORDER ISSUED FROM STATE HOUSE, THE KENYAN EQUIVALENT OF THE WHITE HOUSE. WITHIN SEVEN HOURS OF THE NOTICE, HE WAS ON A PLANE TO LONDON.

24. THE KENYAN EMBASSY IN ADDIS ABABA SAYS HE WAS DECLARED A "PROHIBITED IMMIGRANT," BECAUSE HE WAS INVOLVED IN GEMSTONE AND IVORY SMUGGLING. THE U. S. AMBASSADOR IN KENYA HAS NEVER BEEN TOLD OFFICIALLY WHY SAUL WAS EXPELLED DESPITE NUMEROUS REQUESTS TO THE KENYAN GOVERNMENT FOR AN EXPLANATION.

25. THE GOVERNMENT IS NOW LOOKING FOR MILLER, WHO WENT INTO HIDING IN EARLY SEPTEMBER INSIDE KENYA AND HAS NOT BEEN HEARD FROM SINCE. THE U.S. EMBASSY HAS BEEN TOLD THAT HIS VISA WILL BE LIFTED IF AND WHEN THE IMMIGRATION AUTHORITIES CATCH UP WITH HIM.

26. A FEW DAYS AFTER SAUL WAS EXPELLED, PRESIDENT KENYATTA SAID IN A SPEECH DELIVERED IN SWAHILI THAT FOREIGNERS HAD NO RIGHT TO EXPLOIT KENYA'S MINERAL RESOURCES FOR THEIR SOLE BENEFIT AND ADDED THAT ONE "UNSCRUPULOUS" FOREIGNER, WHOM HE CALLED A "HYENA" HAD JUST BEEN FORCED TO LEAVE THE COUNTRY FOR TRYING TO DO JUST THIS.

27. AMBASSADOR MARSHALL HAS PROTESTED ORALLY TO THREE OR FOUR KENYAN MINISTERS AND HIGH OFFICIALS ABOUT THE

SAUL-MILLER CASE. HE ALSO SENT THE FOREIGN MINISTRY A FORMAL NOTE OBJECTING "TO THE MANNER IN WHICH SAUL WAS ASKED TO LEAVE KENYA. HE WAS GIVEN ONLY A FEW HOURS' NOTICE AND THE EMBASSY WAS NOT NOTIFIED," THE AMBASSADOR SAID. THE NOTE HAS SO FAR GONE UNANSWERED.

28. MARSHALL IS QUITE EXPLICIT ABOUT HIS MORE GENERAL CONCERN OVER THE WAY AMERICAN BUSINESSMEN ARE BEING TREATED IN KENYA AND THE EFFECTS THIS MAY HAVE ON FUL-
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PAGE 06 STATE 214622

TURE AMERICAN INVESTMENT HERE.

29. "I HAVE TAKEN A DIRECT PERSONAL INTEREST IN THIS CASE NOT ONLY BECAUSE THE INTERESTS OF AN AMERICAN CITIZEN ARE INVOLVED BUT ALSO IN A BROADER SENSE BECAUSE I AM CONVINCED THAT KENYA HAS GREAT POTENTIAL," HE SAYS.

30. THE SAUL-MILLER CASE IS EXTREMELY COMPLEX, AND, AS ONE AMERICAN DIPLOMAT PUT IT, "NOBODY KNOWS THE WHOLE STORY. IN FACT IT IS NOT A STORY, IT'S A WHOLE NOVEL."

31. SAUL, WHO IS THE SON OF A MACY'S DEPARTMENT STORE EXECUTIVE IN NEW YORK AND THE KEY MAN IN THE INTRIGUE SURROUNDING THE MINE, IS NOT READY YET TO TELL HIS SIDE OF THE STORY, ALTHOUGH HE FIRST CONTACTED THE WASHINGTON POST ABOUT HIS PROBLEM THREE MONTHS AGO.

32. HE AND HIS PARTNER MILLER HAVE MANAGED TO GET THE SUPPORT OF SEN. JACOB JAVITS (R.-N.Y.) AND MISSOURI GOV. KITT BOND, WHO IN TURN HAVE PUT PRESSURE ON THE STATE DEPARTMENT TO SEE WHAT CAN BE DONE TO KEEP THE MINE OUT OF THE HANDS OF KENYAN OFFICIALS.

33. THE STILL-INCOMPLETE STORY, AS TOLD BY SAUL-MILLER AND OTHERS CLOSE TO THE INTRIGUE, IS AS FOLLOWS:

34. MILLER DISCOVERED THE MINE IN THE TAITA HILLS OF TSAVO PARK ABOUT A YEAR AGO. HE AND SAUL THEN STAKED OUT TWO SEPARATE CLAIMS, KNOWN AS PENNY LANE AND NGANGA, ALONG THE RIDGE.

35. SAUL, IN WHOSE NAME THE CLAIMS ARE REGISTERED, THEN OPENED NEGOTIATIONS WITH VARIOUS KENYANS TO FORM A COMPANY TO EXPLOIT THE CLAIMS, INITIALLY OFFERING A 50-50 SPLIT WITH HIS KENYAN PARTNERS. VARIOUS OFFICIALS AND MINISTERS IMMEDIATELY TRIED TO GET A PIECE OF THE ACTION, INCLUDING

VICE PRESIDENT DANIEL ARAP MOI AND THE MINISTER OF NATURAL RESOURCES, WILLIAM OMANO.

36. IT APPEARS THAT SAUL AT FIRST WELCOMED SUCH IMPORTANT PARTNERS, HOPING TO GAIN SOME POLITICAL PROTECTION FOR LIMITED OFFICIAL USE
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PAGE 07 STATE 214622

HIMSELF AND MILLER.

37. THE PROPOSED PARTNERS IN THE COMPANY CONTINUED TO CHANGE, AS DID THE PERCENTAGE OF SHARES FOR EACH DURING NEGOTIATIONS OVER OWNERSHIP OF THE MINE.

38. BUT THE GENERAL TREND WAS FOR THE KENYANS TO KEEP DEMANDING AN EVER-LARGER PERCENTAGE OF THE COMPANY, IN EFFECT SLOWLY SQUEEZING MILLER AND SAUL OUT OF THE PICTURE.

39. SAUL'S FINAL OFFER, ACCORDING TO ONE SOURCE, WAS 72 PER CENT TO THE KENYANS, WHO BY THEN HAD INCREASED THEIR DEMAND TO 80 PER CENT.

40. MEANWHILE, OTHER KENYAN WITH CONSIDERABLE INFLUENCE BECAME INTERESTED, MOST NOTABLY BETH MUGO, THE WIFE OF THE KENYAN AMBASSADOR TO ETHIOPIA AND "LADY IN WAITING" TO THE PRESIDENT'S WIFE, MAMA NGINA.

41. SAUL SAID FROM PARIS IN A TELEPHONE INTERVIEW TODAY THAT HE HAS NO EVIDENCE THAT THE PRESIDENT'S WIFE WAS RESPONSIBLE FOR HIS EXPULSION, ALTHOUGH HE BELIEVES THAT SHE WAS KEPT FULLY INFORMED OF DEALINGS EVEN WHEN SHE WAS VISITING THE UNITED STATES AT THE TIME OF HIS DEPARTURE.

42. IT APPEARS THAT A MYSTERIOUS GREEK WITH KENYAN CITIZENSHIP, NAMED GEORGE CRITICOS, WAS INSTRUMENTAL IN SAUL'S EXPULSION. CRITICOS, ACCORDING TO MILLER, OWNED A FARM NEXT TO THE PRESIDENT'S BEFORE INDEPENDENCE AND THE TWO MEN BECAME CLOSE FRIENDS.

43. CRITICOS HAS EMERGED AS THE MAJOR CONTENDER FOR THE MINE. THE BIG MYSTERY IS WHO IS BEHIND HIM AND HIS COMPANY. WITHIN DAYS OF SAUL'S EXPULSION HE MOVED IN AND OVERSTAKED THE SO-CALLED NGANGA CLAIM AND HAS BEEN MINING IT EVER SINCE. SAUL HAD ALREADY LOST A COURT CHALLENGE FROM ANOTHER KENYAN GROUP FOR HIS PENNY LANE CLAIM.

44. SAUL'S LAWYERS TOOK THEIR CASE TO COURT THIS
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PAGE 08 STATE 214622

SUMMER, AND ON AUG. 22 THEY GOT AN INJUNCTION TO STOP CRITICOS FROM MINING THE NGANGA CLAIM. A SECOND INJUNCTION WAS ISSUED RECENTLY, APPARENTLY INDICATING THAT CRITICOS IS STILL TAKING RUBIES OUT OF THE MINE AND THAT KENYAN AUTHORITIES ARE NOT ENFORCING THE ORDER.

45. SAUL AND MILLER THEMSELVES WERE ABLE TO EXPORT LEGALLY 1.5 MILLION CARATS OF RUBIES BEFORE THEY LOST CONTROL OF THEIR CLAIM TO THE KENYANS.

46. THE INTRIGUE AND JOSTLING FOR OWNERSHIP OF THE MINE DID NOT STOP WITH SAUL'S EXPULSION. SEVERAL WEEKS AFTER SAUL LEFT THE COUNTRY, FOREIGN MINISTER NJOROGI MUNGAI CALLED MILLER AND HAD HIM AND SAUL'S WIFE FOR DINNER.

47. MUNGAI PROPOSED FORMING A NEW RUBY-MINING COMPANY WITH HIMSELF AS A MAJOR PARTNER. HE OFFERED TO USE HIS INFLUENCE AT STATE HOUSE TO GET SAUL'S EXPULSION ORDER RESCINDED, BUT THE WHOLE OFFER SOON FELL APART AFTER MUNGAI REALIZED THAT MORE POWERFUL PEOPLE THAN HE WERE INVOLVED.

48. MUNGAI IS AN EXCELLENT EXAMPLE OF HOW KENYAN MINISTERS HIT AMERICAN BUSINESSMEN FOR "CONTRIBUTIONS" TO THEIR CAUSES.

49. ACCORDING TO EXCELLENT SOURCES, MMUNGAI IN LATE JULY ASKED A LOCAL COLUMBIA PICTURES TELEVISION PRODUCER FOR A 5,000 POUND (ABOUT \$14,000) CONTRIBUTION TO WHAT WAS VAGUELY DESCRIBED AS A CHILDREN'S SCHOOL.

50. COLUMBIA IS HERE FILMING A TWO-YEAR LONG TELEVISION SERIES, "BORN-FREE," FOR NBC AT LAKE NAIVASHA, NORTH-WEST OF NAIROBI. THE LOCAL PRODUCER, CARL RADIN, REFUSED TO MAKE THE CONTRIBUTION, ACCORDING TO THESE SOURCES.

51. MUNGAI IS IN AN UPHILL FIGHT FOR RE-ELECTION TO THE NATIONAL ASSEMBLY OCT. 14, AND IT IS NOT UNLIKELY THAT THE "CONTRIBUTION" WAS DESTINED FOR HIS CAMPAIGN CHEST.

52. A NUMBER OF CANDIDATES IN THE GENERAL ELECTION CAM-
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PAGE 09 STATE 214622

PAIGN HAVE BEEN COMPLAINING ABOUT THEIR OPPONENTS RECEIVING FINANCIAL SUPPORT FROM FOREIGN SOURCES.

53. INTERESTINGLY, THERE IS ALSO AN OCCASIONAL OUTBURST THESE DAYS AGAINST CORRUPTION AND CONSIDERABLE GRUMBLING ABOUT THIS AMONG MIDDLE-LEVEL CIVIL SERVANTS.

54. EARLY THIS WEEK, A LOCAL NEWSPAPER QUOTED THE ASSIST-
ANT MINISTER FOR EDUCATION, CHARLES RUBIA, AS DEPLORING
THIS "SPREADING CANCER" IN A LIONS CLUB LUNCHEON SPEECH.

55. BUT NO ONE HAS YET DARED ATTACK THE WHEELINGS AND
DEALINGS OF THE MINISTERS. END OF TEXT. DECLASSIFIED
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